

**OPINION  
45-252**

September 5, 1945            (OPINION)

STATE BUILDINGS

RE: Must be Insured in State Fund, Wherever Located

Re: Property of City of Grand Forks

Your letter of August 30, inquiring whether or not a pump house built and owned by the city of Grand Forks, located on the Red Lake River in the State of Minnesota" can be insured in the State Fire and Tornado Fund.

Section 26-2404 of the North Dakota Revised Code of 1943 provides that all public buildings owned by political subdivisions of the state "shall be insured under the provisions of this chapter." The section further prohibits any officer insuring such buildings otherwise than as provided in this section.

Section 26-2408 further indicates that all public buildings shall be insured in the State Fire and Tornado Fund. Nowhere in this chapter do I find any provision limiting such insurance to public buildings located within the State of North Dakota.

It is, therefore, my opinion that any public building owned by the State or its industries or political subdivisions, as enumerated in the statute, whether located within the State or without, must be insured in the Fire and Tornado Fund. This is on the supposition, of course, that the property is lawfully located within the state. That is, if the city of Grand Forks can lawfully build and own a building located in Minnesota, it must insure it in its Fire and Tornado Fund.

NELS G. JOHNSON

Attorney General